
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

TERRY GREEN,

Defendant.

**MEMORANDUM DECISION
AND ORDER**

Case No. 2:13CR793DAK

Judge Dale A. Kimball

Defendant Terry Green has filed a Motion for Early Termination of Probation [Docket No. 6] and a Supplemental Motion for Early Termination of Probation [Docket No. 9]. The government has not responded to Defendant's motion, but the supplemental motion states that the United States and Defendant's probation officer stipulate to Defendant's request for early termination of probation. The court, however, has received a supervision report from Defendant's probation explaining that the U.S. Probation Office opposes early termination of probation in this case.

This court did not sentence Defendant. On April 29, 2013, Defendant was sentenced in the District of Oregon to a five-year term of probation and his probation was transferred to this court in November of 2013. Defendant's probation, therefore, is not scheduled to terminate until April 28, 2018.

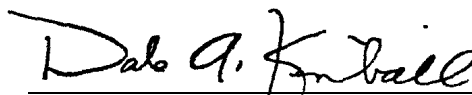
This motion is governed by 18 U.S.C. § 3564(c). Pursuant to 18 U.S.C. § 3564(c), after

considering the factors set forth in Section 3553(a), the court may terminate a term of probation “at any time after the expiration of one year of probation . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.”

Defendant has been fully cooperative and compliant with the conditions of his probation. He has maintained employment, has a stable home life, and has paid his special assessment fee. Defendant has been on low intensity supervision. However, the United States Probation Office opposes early termination of Defendant’s probation because he was given great leniency in his sentence. Defendant’s Presentence Investigation Report reflects a guideline range of 168 months to 210 months. However, because the statutorily authorized maximum sentence was five years and thus less than the minimum of the applicable guideline range, the guideline range of imprisonment was 60 months. The District Court in Oregon, however, chose to sentence Defendant to 60 months probation. Because the sentence of only probation was so lenient in this case, the court agrees with Defendant’s probation officer that Defendant should serve his term of probation. Defendant is on low intensity supervision and the requirements placed on him are minimal. Accordingly, the court DENIES Defendant’s Motion for Early Termination of Probation [Docket No. 6] and his Supplemental Motion for Early Termination of Probation [Docket No. 9].

DATED this 21st day of July, 2015.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Dale A. Kimball", is written over a horizontal line.

DALE A. KIMBALL
United States District Judge